## REMARKS

Receipt of the Office Action mailed July 1, 2008 in connection with the above-identified application is acknowledged. With the accompanying Petition for a Three-Month Extension of Time, this amendment is timely. Reconsideration and withdrawal of the outstanding rejections in view of the foregoing amendments and the following remarks is respectfully requested.

### AMENDMENTS

Claims 15 and 16 have amended to correct some minor typographical errors. Claims 22, 64-65 have been cancelled without prejudice to minimize claim fees. Claims 69 and 70 have been added, and are supported by original claims 15 and 32. Claim 17 has been cancelled and rewritten as new claim independent claim 71. Claims 15-16, 20, 32, 34, and 69-70 are pending and under consideration. Claims 1-14, 18-19, 22-31, 33, and 35-67 have been subjected to a restriction requirement and have been withdrawn from consideration.

### REJECTIONS

#### Rejection over Asano

The Examiner has rejected claims 15-16, 20-21, 32 and 34 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Asano, et al., *Berichte der Deutchen Chemischen Gesellschaft* [Abteilung] B:Abhandlungen, 1939, Vol. 72B, pages 35-39 ("Asano"). Applicants traverse.

Independent claim 15 recites chemical compounds having the following general structure:
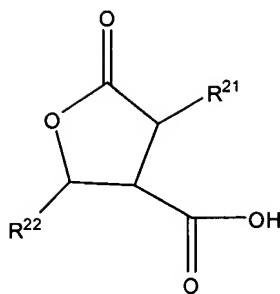
Substituent $R^{21}$ is defined as comprising, *inter alia*, $C_2$-$C_{10}$ alkyl groups.

The Examiner has acknowledged that Asano's compounds differ from the compounds of claim 15 in that they only show a $-CH_3$ group (i.e. a $C_1$-alkyl group) in the $R^{21}$ position. The Examiner asserts that claim 15 would have been obvious over Asano, relying on the proposition the homologues are *prima facie* obvious. With respect to claims 15 and 17, applicants note that the compounds have outstanding pharmacological properties which are outlined in the specification. This is not taught nor suggested by Asano, and should overcome the § 103 rejection. With respect to claim 69, Asano does not share a homologous relationship with those compounds. Moreover, nothing in Asano teaches or suggests a pharmaceutical composition comprising the compounds of claims 15, 20, or 69.

In light of the foregoing, applicants respectfully submit that the obviousness rejections over Asano should be reconsidered and withdrawn.

**Rejections over Drioli**

The Examiner has rejected claims 15-16, and 32 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Drioli, et al., *Journal of Organic Chemistry*, 1998, Vol. 63, pp. 2385-88 ("Drioli"). Applicants traverse. As was the case with Asano, the compounds disclosed by Drioli and cited by the Examiner have a $C_1$-alkyl group in the position corresponding to $R^{21}$ in claim 15. As was the case with Asano, Drioli does not disclose the remarkable pharmacological properties

of the claimed compounds, which rebuts any prima facie case of obviousness. Moreover, Drioli, like Asano, fails to disclose a pharmaceutical composition comprising the compounds of claim 15; thus, claim 32 would not have been obvious over Drioli either.

### Rejections over Zhang

The Examiner has rejected claims 15-16 and 32 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zhang et al., *Tetrahedron: Asymmetry*, 1996, Vol. 7, pp. 1923-28 ("Zhang"). Applicants respectfully traverse. For the same reasons as set forth with respect to Asano and Drioli, applicants have overcome any prima facie case of obviousness over Zhang. Accordingly, applicants respectfully request withdrawal of the obviousness rejection of claim 15 and dependent claims 16 and 32 over Zhang.
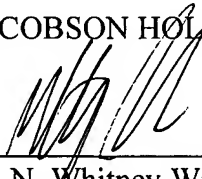
### CONCLUSION

In view of the foregoing amendments and remarks, applicants submit that the claims are now in condition for allowance, and earnestly solicit prompt notice to that effect. The Examiner is invited to telephone the undersigned with any questions or to resolve any remaining issues.

Respectfully submitted,

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